

ORIGINAL
PAUL REYNOLDS
CONSULTANT

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November 14, 1993

415 North College Street
Greenville, AL 36037
(205) 382-8048 Fax 382-2940

Mr. William A. Caton, Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

RE: Counterproposal MM Docket 93-244

Dear Mr. Caton:

Enclosed please find a Counterproposal that we would like to file for our client in the above captioned Docket.

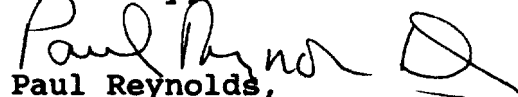
Please have someone in your office forward the counterproposal and the request for dismissal of the original petition to:

Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Additionally, there is a copy of the document labeled "Receipt Stamp Copy." It is each attached to an addressed and stamped envelope. Please have someone stamp this copy and return them to the Petitioner for his records.

Thank you for your assistance in getting this documents filed.

Sincerely,


Paul Reynolds,
Consultant

Enclosure(s)

RECEIVED

NOV 15 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In The Matter of)

Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Pike Road and Ramer, Alabama))

MM Docket 93-244

RM 8315

RECEIVED

To:

Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

NOV 15 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COUNTERPROPOSAL AND COMMENTS

R. J. Miller, Individually, ("Miller") now desires to offer a counterproposal and make comments in the above captioned Docket. Miller is also offering a counterproposal in MM Docket 93-245 simultaneously with this filing. Basically, Miller has conducted a detailed study of the area known as Pike Road, Alabama, and has determined that this is in no way a community deserving an FM channel allocation according to the indicia used by the Commission in the awarding of channels to the various communities and states.

Therefore, Miller request that the allocation coordinates of 248A be moved 9.26 km south and the channel allocated to Ramer, Alabama, in lieu of Pike Road.

OHF

PIKE ROAD AREA EXAMINED

A representative of Miller's consulting firm conducted a detail study of the area shown on an Alabama map as Pike Road. According to an official State of Alabama highway map Pike Road is located at the intersection of Montgomery County 85 and an unmarked highway. In order to get a better geographic identity of what constituted Pike Road, Miller's Consultant purchased a Mt. Meigs, Alabama USGS 7.5 minute topographic map. This map includes the Pike Road area. According to the map Pike Road is at the intersection of Old Pike Road which becomes Carter's Hill Road, and Wallahatchee Road which becomes Merriwether Road west of the intersection. The entire area is Montgomery County prairie land used entirely for agriculture. It was found that one functioning store, one abandoned store, one unkept soft ball park and one unmanned building for EAST MONTGOMERY WATER, SEWER, and F.P.A. and a county elementary school "made-up" the immediate Pike Road area. Using the intersections of these county roads, a 1.6 kilometer circle was drawn and a detail study was done to examine businesses and residential areas. It was found that inside this circle there was one commercial business with a total of 24 residents spread throughout the area. There were no municipal services, organized community maintenance and other indicia that would distinguish this area from the remaining open countryside of Montgomery county.

RAMER, ALABAMA

Ramer is located in the south end of Montgomery County. It is a functioning community and an incorporated city. The 1990 census lists Ramer with a population of 375 persons. It should be noted that these persons live in the incorporated area of Ramer and are not listed as a census county division as is the case with Pike Road.

If the Commission were to follow only the allotment criteria utilized in deciding conflicting proposals, both Pike Road and Ramer would come under item No. 3; first local service. Under this provision Ramer must prevail since it is, by the petitioner's own acknowledgement of 200 persons at Pike Road, larger by 175 persons.

EXPRESSION OF INTEREST

R. J. Miller hereby verifies that he is interested in the allocation of channel 248A at Ramer, Alabama, and if the Commission allocates this channel he will timely file an application for a construction permit to construct, own, and operate this station.

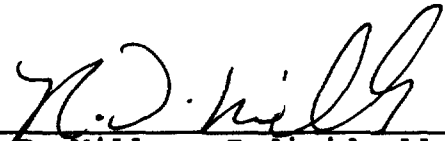
CONCLUSION

R. J. Miller hereby offers a counterproposal in MM Docket 93-244. Miller feels that the allocation of channel 248A to Ramer in lieu of the same being allocated to Pike Road is a more even distribution following the Commission's allotment priorities. Pike Road cannot be construed, even under the most liberal interpretation, as a community eligible for the allotment of an FM channel. Ramer, on the other hand, is an incorporated functioning community with municipal services but does not have its own aural service for the discussion of diverse views and opinions. The allocation of channel 248A to Ramer allows an area of Montgomery County its own aural service without being construed as a "back-door attempt" to provide a secondary service to the city of Montgomery.

CERTIFICATION

I, R. J. Miller, Petitioner for the allocation of a new FM broadcast service at Hayneville, AL do hereby verify that the statements contained in this Counterproposal (for MM Docket 93-244) are true and correct to the best of my knowledge and belief. I represent that this Counteproposal is not filed for the purpose of impending, obstructing, or delaying determination on any other application or petition with which it may be in conflict.

Respectfully Submitted,


R. J. Miller, Individually

This 14th Day of November, 1993

R. J. Miller, Individually
Route 1, Box 242
Letohatchee, AL 36047

ENGINEERING STATEMENT

**In Support of a
COUNTERPROPOSAL
MM DOCKET 93-244, RM-8315**

R. J. MILLER, INDIVIDUALLY

The instant engineering study is submitted in support of a counterproposal to MM Docket 93-244. The counterproposal is being submitted by R. J. Miller (Miller), individually. In this Docket, Fred R. Hughey (Hughey) petitioned the Commission to allocate channel 248A to Pike Road, Alabama, as that community's first local service. Miller feels that the allocation of channel 248A to Pike Road is not in keeping with the Commission's allotment priorities. Therefore, the instant counterproposal is being offered.

NATURE OF THE COUNTERPROPOSAL

As explained in the body of the counterproposal, Pike Road is definitely not a community deserving the allocation of an FM service. This is basically a method of providing a secondary service over the city of Montgomery. Miller feels that a more equitable allocation of this channel would be at Ramer, Alabama. The counterproposal has explained that Ramer is an incorporated city in the south end of Montgomery county. It has an organized functioning government and municipal facilities.

The instant engineering study demonstrates that channel 248A can be allocated to Ramer in keeping with the Commission's minimum distance separation requirements and also provide the required city grade service contour (70dBu) to the community of license.

In MM Docket 93-245 Miller is proposing the allocation of channel 246A in lieu of channel 300A at Hayneville. The instant Counterproposal considers the allocation of this second adjacent channel at Hayneville. The separations of channel 246A at the Miller requested allocation coordinates and channel 248A at Ramer have adequate separation requirements so that these allocations are not mutually exclusive. However, if applicants were to chose antenna sites west of the allotment coordinates at Pike Road the channels could become mutually exclusive.

EXHIBITS EXPLAINED

Exhibit E, figure 1 is an allocation study depicting that channel 248A can be allocated to Ramer in keeping with the Commission's minimum distance separation requirements. It should be noted however that the allocation coordinates for channel 248A at Pike Road and those requested in the instant counterproposal are separated by only 9.26 KM. Therefore, the Hughey petition and the Miller counterproposal are mutually exclusive.

Exhibit E, figure 2 is a computer generated graph depicting that an allocation window exist for the allotment of channel 248A to Ramer.

Exhibit E, figure 3 is a portion of a State of Alabama USGS 1:500,000 scale map with the allocation coordinates for channel 248A at Ramer plotted and the 70 dBu contour drawn in. As depicted in this map, the allocation of channel 248A to Ramer at the Miller requested more than adequately provides the required city grade contour to all of the community of Ramer.

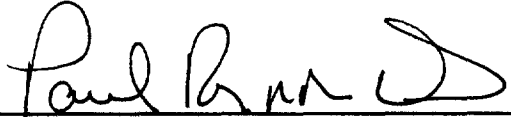
CONCLUSION

Pike Road is not a community by the standards that the Commission uses to allocate FM broadcast service. However, by locating the allotment coordinates only 9.26 KM further south, the channel can be allocated to Ramer, Alabama, an incorporated community with an organized city government and all community services. Channel is the only channel available to provide this service.

CERTIFICATION

I, Paul Reynolds, hereby certify the following: that I am an independent broadcast consultant; that I hold a Bachelor of Science degree in Communications from the University of Southern Mississippi and have completed work for a Masters Degree in Communications from the University of Alabama; I have been a practicing consultant since 1980, and I am familiar with the Commission's rules and regulations; I have filed numerous petitions and applications in association with Amerimedia, Inc., and my qualifications are known in the industry and at the Commission; I have been retained by R. J. Miller to prepare this Engineering Statement in support of a "Counterproposal and Comments" in MM Docket 93-244.

All information in this engineering statement was prepared by me or under my direct supervision. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed 
PAUL REYNOLDS, CONSULTANT

THIS 14th DAY OF NOVEMBER, 1993

415 NORTH COLLEGE STREET
GREENVILLE, ALABAMA 36037
(205) 382-8048

ENGINEERING STATEMENT

In Support of a
COUNTERPROPOSAL
MM DOCKET 93-244, RM-8315

R. J. MILLER, INDIVIDUALLY

ALLOCATION STUDY

[DEPICTING THAT CHANNEL 248A CAN BE ALLOCATED TO RAMER, AL]
 (THIS ALLOCATION IS MUTUALLY EXCLUSIVE WITH THE ALLOCATION OF CH 248A AT PIKE ROAD]

32 05 02 N. Class A Search Date
 86 04 15 W. Current rules spacings 11-14-93
 Channel 248 - 97.5 MHz

| Call | Ch# | City | State | Bear' | Dist' | R'grd | Margin |
|---|------|------------|-------|-------|--------|-------|-----------|
| AD248 | 248A | Pike Road | AL | 352.7 | 9.26 | 115.0 | -105.74 * |
| Of Concern | | | | | | | |
| Mutually Exclusive with Instant Counterproposal | | | | | | | |
| Community of Ramer | | | AL | 254.7 | 14.27 | | * |
| Reference Coordinates: | | | | | | | |
| 32° 03' 00" | | | | | | | |
| 86° 04' 00" | | | | | | | |
| WABBFM | 248C | Mobile | AL | 227.3 | 227.88 | 226.0 | 1.88 * |
| WKKR | 249A | Auburn | AL | 41.9 | 80.21 | 72.0 | 8.21 * |
| AP250 | 250A | Wetumpka | AL | 346.3 | 42.05 | 31.0 | 11.05 |
| AP250 | 250A | Wetumpka | AL | 349.1 | 42.78 | 31.0 | 11.78 |
| AP250 | 250A | Wetumpka | AL | 348.9 | 43.48 | 31.0 | 12.48 |
| WJAD | 247C | Bainbridge | GA | 125.5 | 177.78 | 165.0 | 12.78 |
| ALOPEN | 250A | Wetumpka | AL | 349.5 | 43.90 | 31.0 | 12.90 |
| AD246 | 246A | Hayneville | AL | 290.3 | 48.70 | 31.0 | 17.70 |
| Offered as a Counterproposal | | | | | | | |
| in MM Docket 93-245 | | | | | | | |
| WZLM | 247A | Dadeville | AL | 14.8 | 91.65 | 72.0 | 19.65 |
| AP250 | 250A | Wetumpka | AL | 347.2 | 51.46 | 31.0 | 20.46 |
| WEZZ | 249A | Clanton | AL | 325.5 | 101.15 | 72.0 | 29.15 |
| WSSYFM | 248A | Talladega | AL | 359.5 | 147.81 | 115.0 | 32.81 |
| WJAMFM | 247A | Orrville | AL | 286.7 | 106.55 | 72.0 | 34.55 |

EXHIBIT E
 Figure 1

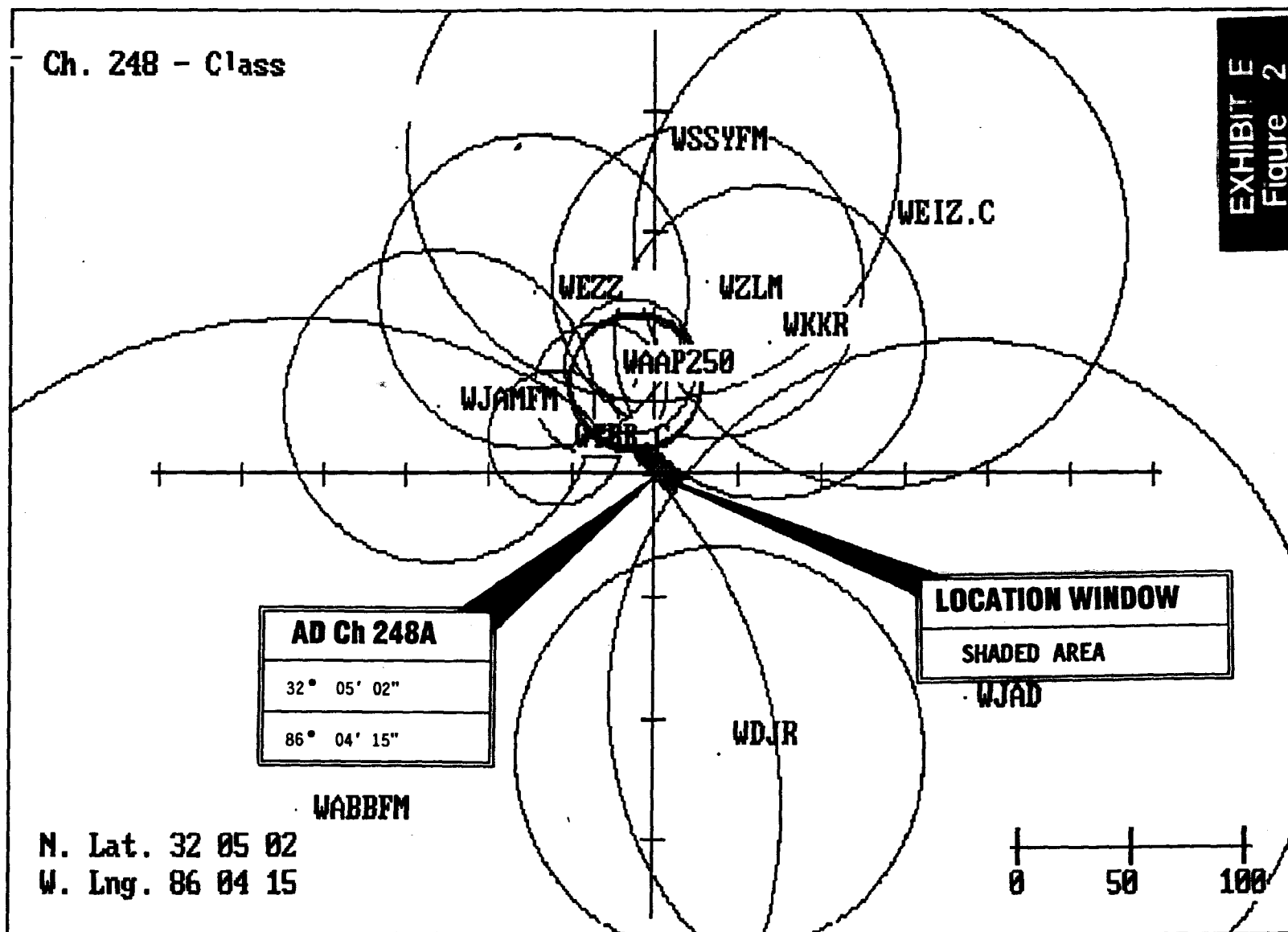


EXHIBIT E
Figure 2

CERTIFICATE OF SERVICE

I, Paul Reynolds, Consultant to R. J. Miller, do hereby certify that I have cause to be mailed this 18th Day of November, 1993, a copy of the attached Counterproposal and Comments to the persons listed below by US mail, first class, postage prepaid.

Fred Randall Hughey, Petitioner
CHANNEL 248A, PIKE ROAD, ALABAMA
Route 4, Box 247
Tallassee, Alabama
36078

Kirk A. Tollett
COMMSOUTH MEDIA ASSOCIATES
4001 Highway East
Jasper, Alabama
35501
(Consultant to Petitioner)



Paul Reynolds